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Office of General Counsel
Central Intelligence Agency
Wash., D.C. 20505

MEMO ROUTING SLIP

IAGO SC NO. 17/98

The attached documents are transmitted pursuant to conversation between yourself and Colonel George F. Westerman. You may desire to release these documents to [REDACTED]

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ALBERT J. ESGAIN, Acting Chief
International Affairs Division
Office of The Judge Advocate General
Department of the Army

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HEADQUARTERS
UNITED STATES MILITARY ASSISTANCE COMMAND, VIETNAM
APO SAN FRANCISCO 96222
Office of the Judge Advocate



MACJA

20 July 1967

Colonel George F. Westerman
Chief, International Affairs Division
Office of the Judge Advocate General
Department of the Army
Washington, D.C.

Dear Colonel Westerman:

This is in further reply to DA Message 821876 DTG 172010 Z July 1967, requesting information concerning the operation of provincial security committees. Inclosed herewith are complete texts of Decree-Law #004/65, dated 19 July 1965; Decree-Law #004/66, dated 15 February 1966; and Prime Minister Decree #1763 dated 24 September 1966.

Sincerely,

William H. Harris

WILLIAM H. HARRIS
Lt Colonel, JAGC
Chief, Advisory Division

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as

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DECREE #1763-ND/AN dated 24 September 1966 delegating to the Commissioner General of Security the power to exile, to force to reside in a designated area or to forbid to reside in some area those who are dangerous to the National Defense and public security and to decide the disposal of properties used in activities dangerous to National Defense or public security.

THE CHAIRMAN OF THE CENTRAL EXECUTIVE COMMITTEE

Considering the Convention of 19 June 1965;

Considering Order #001-a/CT/LDQG/SL dated 19 June 1965 and subsequent documents prescribing the composition of the Central Executive Committee;

Considering Decree-law #004/65 dated 19 July 1965 amended by Decree law #004/66 dated 15 February 1966 prescribing the punishment applicable to some offenses during the State of War:

DECREES:

ARTICLE 1. Hereby, the Commissioner General of Security is delegated authority to sign decrees exiling, compelling residence in a designated area, forbidding residence in some areas, for a maximum period of 2 years which is renewable, those who are dangerous to the National Defense and Public Security, and decide the disposal of properties used in activities dangerous to the National Defense and Public Security, if any, as prescribed in article 19 of Decree-Law #004/66 dated 15 February 1966.

ARTICLE 2. The Commissioners General of Security and Justice will carry out this Decree, according to their duties.

This Decree will be published in the Gazette.

SAIGON 24 SEPTEMBER 1966

Brigadier General NGUYEN CAO KY

REPUBLIC OF VIETNAM

NATIONAL LEADERSHIP DIRECTORY

Office of the Chairman

Number 004/65

--:--

THE CHAIRMAN OF THE NATIONAL LEADERSHIP DIRECTORY

Considering the Provisional Convention of June 19, 1965;

Considering Decision #3-QLVNCH/QD dated June 14, 1965 of the General Council of the Armed Forces of the Republic of Vietnam prescribing the establishment & the composition of the National Leadership Directory;

Considering Decree #01-a/CT/LDQG/SL dated June 19, 1965 prescribing the composition of the Central Executive Committee;

Considering Ordinance #1-UBLDQG dated June 24, 1965 promulgating the State of War throughout the territory of the Republic of Vietnam;

With recommendations by the Chairman of the Central Executive Committee;

ISSUES THE FOLLOWING DECREE-LAW :

ARTICLE 1: In order to safeguard the public security and order to the utmost, particularly serious punishments are applied to the offences listed in this decree-law during the state of war.

PART I

SPECULATION - ILLEGAL TRANSFER OF MONEY - SMUGGLING

ARTICLE 2: Is sentenced to death any person :

- Who knowingly announces or spreads out rumours of, by whatsoever means, false information regarding market prices, or distorts the truth regarding the present or future domestic and foreign market with the intent to cause national economic and financial disturbances.

- Who keeps illegal stock or uses whatsoever means with the intent to disturb the price system, or impedes the distribution of resources within the country.

- Who, by means of the afore-mentioned measures, causes or attempts to cause price fluctuations of any kinds of food-stuffs or products, affects or attempts to affect the current values of the securities, government bonds, and currency.

The whole property of the offender is confiscated.

ARTICLE 3: Are sentenced to solitary confinement with hard labor:

- Any person who takes advantage of the situation to raise prices voluntarily or refuses to sell, in compliance with the fixed prices, any kind of food-stuffs or products which have been placed under the price system laid out in Ordinance No. 55 of October 2, 1965.

- Any store-keeper who makes false declarations of his stocks of the afore-mentioned goods and products.

Besides, the court may order permanent or temporary close-down of the stores or its annexes run by the offender.

ARTICLE 4: Are sentenced to solitary confinement with hard labor any person:

- Who makes or attempts to make illegal transfer of money.
- Who imports or exports gold against present regulations in effect.

The whole amount of cash, securities, stocks, precious metal and other items seized as objects for evidence are confiscated.

No settlement through compromise is authorized.

ARTICLE 5: Are sentenced to solitary confinement with hard labor any person :

- Who brings or attempts to bring into the country products and goods whose importation is prohibited by present law and regulations.

- Who exports or attempts to export products or goods whose exportation to foreign countries is prohibited.

The products, goods, and means of transport of private persons are subject to confiscation.

No settlement through compromise is authorized.

ARTICLE 6: Are sentenced to solitary confinement with hard labor any person :

- Who transports products, or goods within customs operational areas without payment of customs duties or without a customs pass.

- Who illegally keeps stocks of products, or goods within the customs operational areas.

Products, goods transported or stocked without payment of customs duties or a customs pass and means of transport of private persons are subject to confiscation.

No settlement through compromise is authorized.

PART II

BRIBERY - CORRUPTION - EMBEZZLEMENT

ARTICLE 7: All military and civilian personnel of the public service who commit, while they are holding their functions, a corruption or receives bribe prescribed in Ordinance No. 18 of July 28, 1954 and Decree-Law No. 112-SL/CT of March 27, 1964 will be sentenced :

- to death if the sum of money or the gift received or promised to offer is over 100,000 piasters;

The whole property of the offender, the money and the gift used for bribery shall be confiscated.

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or promised to offer does not exceed 100,000 piasters.

The money and gift used for bribery are confiscated together with a total or partial confiscation of the offender's property.

ARTICLE 8: Any person who bribes or attempts to bribe any military or civilian personnel of the public service or incites others to trade on their influence to benefit himself will be punished :

- To hard labor for life if the sum of money or the gift offered or promised to offer is over 100,000 piasters.
- To hard labor for a term of years if the sum of money or the gift offered or promised to offer does not exceed 100,000 piasters.

If the person concerned voluntarily denounces the bribery or corruption, he will be excused automatically and the sum of money or gift for bribery will be returned to him.

ARTICLE 9: Military as well as civilian personnel of the public service who commit embezzlement prescribed in Law No. 9/59 of April 18, 1959 and Decree-Law No. 112-SL/CT of March 27, 1964 will be sentenced :

- To death if the sum of money or the value of the objects embezzled is above 100,000 piasters.
- To hard labor for life if the sum of money or the value of the objects embezzled does not exceed 100,000 piasters.

In both of these cases, in addition to the reimbursement to the public treasury, the offender's property is also subject to total or partial confiscation.

PART THREE

VIOLATIONS AGAINST NATIONAL OBLIGATION

ARTICLE 10: Are sentenced to solitary confinement with hard labor those youths :

- Who use fraudulent manners or tricks so as to avoid presenting themselves when they reach the age to fulfill their military obligations.

- Who make themselves physically disabled or ask other persons to make their physical disability so as to avoid the fulfillment of their military obligations temporarily or permanently.

The principal author and his accomplices are sentenced to the same penalties.

ARTICLE 11: Will be considered as failure to report for induction and sentenced :

- To solitary confinement with hard labor - those who receive the call orders or recall orders which have been properly notified to them but fail to report themselves to the designated place within 20 clear days including the day mentioned in the orders;
- those who enlist or re-enlist but fail to report to the designated place within a period of 20 clear days, including the day mentioned in the travelling orders.

- To 3 years of imprisonment : A citizen who knows that his particular draft registration number is printed in a public notice for induction, or re-induction but fails to present himself to the military authority of the place where he resides for the regularization of his status within a period of 15 days, taking effect on the date mentioned in this public notice.

ARTICLE 12: Is sentenced to solitary confinement with hard labor any member of the Commission of Mobilization Census, the committee of draft exemption or draft adjournment, the Medical Examination Committee, who, upon being requested to give opinions or to conduct any examination,

- promises to assist or incites young men or servicemen to avoid their military obligations.

- falsifies papers concerning the military obligations so as to assist or incite young men or servicemen to apply for exemption from or putting back from military service.

ARTICLE 13: Are sentenced to a penalty of a term from 5 years of solitary confinement with hard labor to hard labor for a term of years all servicemen of Regular, Regional, and Popular Forces, members of public forces, personnel of various public services (including regular, contractual and journey personnel) who, within a time-limit of 15 days without rightful cause, refuse to execute an order of transfer, appointment, or an order for official mission issued by legal commanding authorities.

If the breach is committed by a band or with intent to impede the functioning of the public service, the maximum penalty will be applied.

PART IV

TREASON - DISTURBANCE OF STATE SECURITY

PRO-COMMUNISM & NEUTRALISM

ARTICLE 14: Is punished by a death penalty and a total or partial confiscation of his property any person who joins a Communist organization or collaborates with the Communist to bear arms against the country. In case that the offender is a serviceman, this violation also brings about his military degradation.

ARTICLE 15: Is sentenced to death any person :

- Who rebels or incites other armed people to rebel, or recruits soldiers and furnishes them with weapons and ammunitions without order or authorization from the government .

- Who, with no authority or no rightful cause, voluntarily takes command of a platoon, a warship, a wing of airplanes, a sea port or a city.

ARTICLE 16: Is sentenced to solitary confinement with hard labor for life any person who, without rightful cause, excites the mob by organizing meetings or demonstrations with the purpose to disturb the state security.

ARTICLE 17: Is sentenced to hard labor for a term of years any person :

- Who directly or indirectly popularizes any policy, slogan, or directive of the communist, of an individual or a league influenced or controlled by the Communist..

- Who commits any activity with the purpose to undermine the anti-communist spirit of the country or to cause harmful affect to the struggle of the people and the Armed Forces.

- Who plots to act under disguised signification of peace or neutralism in accordance with the communist doctrine.

- Who popularizes, circulates, distributes, brings forward to public attention, sells, exhibits at public places, or conceals with those purposes, all printed materials pictures, and other publication means so as to attain the purposes mentioned in the three above paragraphs.

ARTICLE 18 : Organizations, associations, establishments or leagues which violate article 17 are automatically dissolved.

The chairman of the Central Executive Committee will issue decrees to prescribe the liquidation of the property of the organizations, associations, establishments or leagues which violate the afore-mentioned article.

ARTICLE 19 : Through an Order of the Chairman of the Central Executive Committee issued with recommendations by the Commissioner of Interior, those who are regarded as dangerous to the national defense or the public security may be banished to a detention camp, or forced to reside in a specified area for a period of 2 years with possibility of extension to other 2-year periods.

Those who are isolated through the afore-mentioned measures will be sentenced to solitary confinement with hard labor if they escape or attempt to escape from their chosen residence or the place where they are banished.

PART V

HOOOLIGANISM

ARTICLE 20: Are convicted of holiganism those :

- Who, without rightful cause, have used or attempted to use violence to assault whatsoever person at whatsoever place.

- Who, without rightful cause, bear arms illegally, even though they do not use them or only use them for menace, bear side-arms, or other instruments which may be used to commit stealing or other offences or which are intended for the destructions of houses or public buildings.

- Who falsify passports or use counterfeit passports for movement.

ARTICLE 21: Adults over 18 years of age who are convicted of hooliganism are sentenced to hard labor for a term or years.

Juveniles convicted of hooliganism are delivered to a governmental re-education agency. Upon reaching their age of majority, they may be released or brought to court for trial depending on their conduct during the re-education period.

ARTICLE 22 : Those who use violence to assault, resist, or impede members of public forces to carry out their duty are sentenced to death.

Members of the public forces wearing their uniforms who are faced with this case, are authorized to down the hooliganism on the spot for their self-defense.

ARTICLE 23 : Are sentenced to hard labor for life or death those servicemen of the Regular, Regional and Popular Forces, members of public forces, officials of the public service who abuse their authority and commit rape, or other violations against the property or the life of other people. The death penalty must be applied if the unlawful act is committed by a band or with arms.

PART VI.

JURISDICTION - PROCEDURES

ARTICLE 24 : Throughout the war-time, the military field courts have jurisdiction over offences stipulated in this Decree-Law in accordance with procedures prescribed in Decree-Law No. 11/62 of May 21, 1961 enacting the Military Field Court.

ARTICLE 25: Once the culpability has been confirmed, the court is not authorized to apply extenuating circumstances for the accused.

PART VII

ARTICLE 26: All provisions of any other laws and regulations which are inconsistent with this Decree Law are suspended from enforcement.

ARTICLE 27: The Chairman, the Commissioner General, and the Commissioners of the Central Executive Committee, each in accordance with his responsibility, executes this Decree-Law.

Saigon, July 19, 1965

Signed:

Major General NGUYEN-VAN-THIEU

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DECREE-LAW #004/66 dated 15 February 1966, complementing Decree Law #4/65 dated 19 July 1965 relative to the punishment of illegal cornering, illegal transfer of funds, smuggling, bribery, influence peddling, violations of public security, embezzlement of public funds, rebellion, hooliganism, communist sympathizers and neutralists.

THE CHAIRMAN OF THE NATIONAL LEADERSHIP COMMITTEE,

With reference to the Constitutional Charter of 19 June 1965;

to Resolution #3-QLVINCH/QD dated 14 June 1965 by the Convention of Commanders in the Republic of Vietnam Armed Forces activating the National Leadership Committee and determining its composition;

to Decree #01-a/CT/LDQG/SL dated 19 June 1965 and the subsequent Decrees determining the composition of the Cabinet;

to Edict #01-UBLDQG dated 24 June 1965 declaring the state of war over the entire territory of the Republic of Vietnam;

to Decree-Law #04/65 dated 19 July 1965;

to the recommendations of the Secretary General of the National Leadership Committee; and

to the recommendations of the Premier of the Government;

And after deliberation and voting by the National Leadership Committee;

ISSUES THE FOLLOWING DECREE-LAW:

ARTICLE 1. Decree-Law #4/65 dated 19 July 1965 is hereby complemented as follows:

Article 2. (Addition) The offender may be authorized to make a settlement if the amount of the illegally hoarded goods is under 100,000 piasters.

If this effort at settlement fails, the competent administrative agency shall forward the case to the Court specified under article 24 (New).

Article 3. (Addition) The offender may be granted the benefits of the settlement procedure if:

- The amount of goods sold at excessive prices or withheld from sale is under 50,000 piasters;

- The amount of goods illegally stored is under 100,000 piasters.

Article 6a. In the cases provided for under the above articles 4, 5 and 6, the settlement procedure is applicable if the illegal transfer transaction, the import and export of gold and other goods, and the illegal storage and transport involve an amount under 100,000 piasters.

Article 6b. "In addition to solitary confinement and confiscation of property, the offender shall pay a fine equal to the price of corpus delicti in the cases provided for under paragraph 2, article 2 and under articles 3, 4, 5 and 6.

The value of the foreign exchange sums and goods shall be computed at the official rate of exchange."

Article 6c. No settlement may be authorized in case of repetition of offense.

Article 7. (Addition). The punishment shall be a fixed term of hard labor if the amount of money or goods received or promised is not higher than 50,000. piasters.

Regarding the funds or goods of bribery the Court may according to each case order the total or partial confiscation of the offender's properties.

Article 8. (Addition). The punishment shall be Reclusion if the bribe received or promised is not higher than 50,000. piasters.

If the offender voluntarily reports the act of bribery or influence peddling, he shall be excused and the bribe that has been given shall be returned to him.

Article 9. (Addition). The punishment shall be a fixed term of hard labor if the amount embezzled or involved in the attempt at embezzlement is not higher than 50,000. piasters.

In all the three cases, the offender shall be liable to total or partial confiscation of properties in addition to reimbursement of the public funds embezzled.

ARTICLE II. Decree-Law #4/65 dated 19 July 1965 is hereby amended as follows:

Article 11. (new paragraph 2). Three years of imprisonment: Any citizen who knows he is called or recalled to military service whether under a collective draft or not and fails to report to the military authorities at his place of residence within 15 full days after the date prescribed in the public announcement.

Article 12. (New). Those persons considered dangerous for national defense and public security may be interned in a prison or designated area, or banished from designated areas for a maximum period of two years which is renewable; the internment and banishment shall be ordered by Arrete (Order) of the Premier issued upon the recommendations of the Minister of Interior.

The same Arrete shall also decide the disposal of properties used in activities dangerous for national defense and public security if any.

The internee who escapes or attempt to escape from the internment area or forced residence shall be liable to Reclusion.

Article 20. (New). The following persons shall be convicted of hooliganism:

-Those who carry illegal weapons without justified reason and with intent to commit other offenses; and

-Those who forge or use forged permits to move from one place to another.

Article 21. (New). Those persons above 15 years of age who are convicted of hooliganism shall be punished with a fixed term of hard labor.

Those persons under 15 years of age who are convicted of hooliganism shall be turned over to Government reformatory institutions;

when they reach the age of 15 they shall be released or prosecuted before the Court depending on the record of their conduct during the reformatory period.

Article 22. (New). Those persons who gather in assemblage of two or more and attack, resist or obstruct the public force personnel in their duties shall be punished with death.

The killing of offenders in self defense shall be excused.

Article 23. (New). Those personnel of the Regular Force, Regional Force, Popular Force, Public Force and Civil service who take advantage of their official positions to commit rape or injuries against the lives and properties of others shall be punished with life hard labor or death.

If the offense is committed with the use of weapons or in assemblage the punishment shall be death.

Article 24. (New). During the state of war and in accordance with the procedures prescribed in Decree-Law #11/62 dated 21 May 1962 activating these tribunals, Military Field Tribunals shall have jurisdiction over the offenses described in the present Decree-Law, except those offenses dealt with in Decree-Law #003/66 dated 15 February 1966 activating the Special Tribunal.

ARTICLE III. This Decree-Law shall apply to cases of violations against Decree-Law #4/65 dated 19 July 1965 that have not been prosecuted.

ARTICLE IV. The Premier, the Ministers, the Secretaries and Under-Secretaries shall each according to his responsibilities execute this Decree-Law.

This Decree-Law shall be published in the Republic of Vietnam Official Gazette.

SAIGON, 15 February 1966

Maj. Gen. NGUYEN VAN THIEU

DEPARTMENT OF THE ARMY

STAFF COMMUNICATIONS DIVISION

PRIORITY

P 200300Z JUL 67
FM COMUSMACV
TO DA

UNCLAS E F T O 24074 FROM; MACJA DA FOR JAGW.
SUBJ; PROVINCIAL SECURITY COMMITTEES
REF; A. DA MSG 821876, DTG 302113Z JUN 67
B. DA MSG 823764, DTG 172010JUL 67

1. RNV ORDINANCE 6, DATED 11 JAN 1956, WAS SUPERSEDED BY

ARTICLE 19 OF DECREE LAW 4/65, DATED 19 JULY 1965, WHICH PROVIDES AS FOLLOWS;

QUOTE THROUGH AN ORDER OF THE CHAIRMAN OF THE CENTRAL EXECUTIVE COMMITTEE ISSUED WITH RECOMMENDATIONS BY THE COMMISSIONER OF INTERIOR, THOSE WHO ARE REGARDED AS DANGEROUS TO THE NATIONAL DEFENSE OF THE PUBLIC SECURITY MAY BE BANISHED TO A DETENTIN CAMP, OR FORCED TO RESIDE IN A SPECIFIED AREA FOR A PERIOD OF 2 YEARS WITH POSSIBILITY OF EXTENSION OF OTHER 2-YEAR PERIODS.

THOSE WHO ARE ISOLATED THROUGH THE AFORE-MENTIONED MEASURES WILL BE SENTENCED TO SOLITARY CONFINEMENT WITH HARD LABOR IF THEY ESCAPE OR ATTEMPT TO ESCAPE FROM THEIR CHOSEN RESIDENCE

OR THE PLACE WHERE THEY ARE BANISHED. END QUOTE

THIS PROVISION WAS FURTHER COMPLEMENTED BY ARTICLE 19 OF DECREE LAW 004/66, DATED 15 FEB 1966, WHICH PROVIDES AS FOLLOWS;

QUOTE THOSE PERSONS CONSIDERED DANGEROUS FOR NATIONAL DEFENSE AND PUBLIC SECURITY MAY BE INTERNED IN A PRISON OR DESIGNATED AREA, OR BANISHED FROM DESIGNATED AREAS FOR A MAXIMUM PERIOD OF TWO YEARS WHICH IS RENEWABLE; THE INTERMENT AND BANISHMENT SHALL BE ORDERED BY ARRETE (ORDER) OF THE PREMIER ISSUED UPON THE RECOMMENDATIONS OF THE MINISTER OF INTERIOR.

THE SAME ARRETE SHALL ALSO DECIDE THE DISPOSAL OF PROPERTIES USED IN ACTIVITIES DANGEROUS FOR NATIONAL DEFENSE AND PUBLIC SECURITY IF ANY.

THE INTERNEE WHO EXCAPES OR ATTEMPT TO ESCAPE FROM THE INTERMENT AREA OR FORCED RESIDENCE SHALL BE LIABLE TO RECLUSION
END QUOTE

2. BY DECREE 1763/ND/AN, DATED 24 SEP 1966, THE PREMIER'S

AUTHORITY TO SIGN THE ARRETE (ORDER) WAS DELEGATED TO THE COMMISSIONER GENERAL OF SECURITY. THIS DECREE PROVIDES IN PERTINENT PART AS FOLLOWS;

QUOTE THE COMMISSIONER GENERAL OF SECURITY IS HEREBY

DEPARTMENT OF THE ARMY

STAFF COMMUNICATIONS DIVISION

TRIVUNAL FOR TRIAL. IF THE COMMITTEE FINDS THE EVIDENCE IS INSUFFICIENT AND NO OTHER GROUNDS EXIST FOR DETENTION, THE SUSPECT IS RELEASED AND THE CENTRAL SECURITY COMMITTEE IS INFORMED OF THE

ACTION TAKEN. IF, HOWEVER, IT APPEARS THE SUSPECT NEEDS RETRAINING FOR POLITICAL OR SECURITY REASONS, THE COMMITTEE FORWARDS ITS RECOMMENDATION OF DETENTION FOR A SPECIFIED PERIOD, BANISHMENT, ETC. TO THE CENTRAL SECURITY COMMITTEE.

7. THE CENTRAL SECURITY COMMITTEE IS LOCATED IN SAIGON, AND IS COMPOSED AS FOLLOWS:

- A. MINISTER OF SECURITY, OR HIS REPRESENTATIVE.
- B. DIRECTOR GENERAL OF THE NATIONAL POLICE, OR HIS

REPRESENTATIVE.

- C. THE PROVINCE CHIEF CONCERNED.
- D. THE COMMANDER OF THE CORRECTION CENTER CONCERNED,

IF THE SUSPECT IS CONFINED.

THE CENTRAL COMMITTEE CONDUCTS NO FORMAL MEETINGS AS SUCH. EACH MEMBER OF THE COMMITTEE SUBMITS HIS RECOMMENDATION, IN WRITING, TO THE OFFICE OF THE CHIEF OF SERVICE TECHNIQUE, AN AGENCY OF THE DIRECTORATE OF CORRECTION. THE CHIEF OF SERVICE TECHNIQUE CONSOLIDATES THE RECOMMENDATIONS AND TRANSMITS THE FILE

TO THE DIRECTOR OF CORRECTION FOR HIS RECOMMENDATIONS; THE FILE IS THEN FORWARDED TO THE OFFICE OF THE CHIEF OF PLANNING, AN AGENCY OF THE MINISTRY OF SECURITY. AFTER REVIEW BY THE CHIEF OF PLANNING, THE FILE IS FORWARDED TO THE ASSISTANT MINISTER OF SECURITY AND FINALLY TO THE MINISTER OF SECURITY, WHO MAY ORDER THE DETENTION, EXILE OR ENFORCED RESIDENCE OF THE SUSPECT CONCERNED.

8. AS A MATTER OF PRACTICE, IT IS REPORTED THAT THE FOLLOWING PRINCIPLES ARE APPLIED

A. IF THE SUSPECT IS UNDER 18 YEARS OF AGE, THE MAXIMUM DETENTION IS ONE YEAR, WHICH IS RENEWABLE INDEFINITELY IN 6 MONTH INCREMENTS. ONCE THE SUSPECT REACHES AGE 18, THE RENEWALS ARE AT ONE YEAR INTERVALS.

B. IF THE ACCUSED IS 18 YEARS OF AGE OR OVER, THE MAXIMUM DETENTION IN TWO YEARS, RENEWABLE INDEFINITELY IN ONE YEAR INCREMENTS.

C. IF THE ACCUSED IS TRIED BY A MILITARY TRIVUNAL, THE DETENTION, EXILE, ETC. MAY BE IN ADDITION TO THE SENTENCE IMPOSED BY THE COURT.

9. THE METHODOLOGY AND PROCEDURES ABOVE ARE BASED UPON DISCUSSIONS WITH THE CHIEF OF SERVICE TECHNIQUE ON 17 JULY

1967. DUE TO THE SENSITIVE NATURE OF SUCH PROCEEDINGS, MORE DETAILED INFORMATION ON THE INTERNAL SECURITY

STAFF COMMUNICATIONS DIVISION

DEPARTMENT OF THE ARMY

COMMITTEES IS NOT RADILY AVAILABLE. THE LATEST STATISTICS AVAILABLE FROM THE DIRECTOR OF REEDUCATION CENTER INDICATES THAT, AS OF 2 JULY 1967, THERE WERE 22,498 SECURITY OFFENDERS, E.G. CIVIL DEFENDANTS, IN THE 4 NATIONAL PRISONS AND 37 PROVINCIAL JAILING FACILITIES. OF THIS NUMBER, 12,576 WERE AWAITING INVESTIGATION OR TRIAL, 4,363 HAD BEEN SENTENCED BY THE REGULAR MILITARY OR FIELD

COURTS, AND 5,559 HAD BEEN ORDERED DETAINED BY THE SECURITY COMMITTEE PROCEDURES. NO FIGURES ARE AVAILABLE TO INDICATE THE TOTAL NUMBER OF PRISONS SO DETAINED SINCE THE INCEPTION OF BASIC ORDINANCE 6, DATE 11 JAN 1956.

10. COMPLETE COPIES OF DECREE LAWS AND ORDERS SUBSEQUENT TO THOSE CITED IN REFERENCES ARE BEING AIRMAILED THIS DATE. IF ADDITIONAL INFORMATION IS REQUIRED, REQUEST THIS HEADQUARTERS

BE ADVISED OF THE SPECIFIC PROBLEMS PRESENTED IN ORDER THAT RESEARCH MAY BE DIRECTED ACCORDINGLY.
BT

NOTE: TELETYPE COPIES PREVIOUSLY FURNISHED TJAG.

ACTION: TJAG
DA IN 285637

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REPUBLIC OF VIETNAM
MINISTRY OF INTERIOR
4029/BNV/NA/MP3

Saigon, 27 June, 1965

FROM: Minister of Interior

TO: Mayors, prefects, province Chiefs.

SUBJECT: To Set-up Security Committees.

I realize the formation of security committees is not unique.

I repeat the following principles which fixed this matter in a meeting of province Chiefs at the Ministry of Interior on 14 Feb 1957

Each province set-up a committee to consider arrested persons' cases.

Members of the committee:

- Province Chief : President.
- Sector Chief or military representative at province.
- Prosecutor General, as legal advisor of committee.
- Public Security representative.
- Civil Guard representative.
- Self Defense representative.

Any organization which captures someone must inform the committee. At the same time that organization will begin an investigating with a minimum of delay.

Documents of the initial investigation must be submitted to the committee to consider whether other organizations of the committee has any other information concerning the arrested person.

If further investigation is necessary, the committee assigns this mission to a competent organization having a representative on the committee and acts after completion of the investigation.

If further investigation is not necessary the committed acts on the case immediately.

There are 3 solutions:

- If it is not clearly show that the accused has committed an offense, he has no shady past, and does not need retaining he should be released. If it is necessary, the committee determines conditions for release (must be guaranted by someone or report to responsible authority at a fixed time).
- If enough evidence is available for prosecution the accused may be brought to court (civil or military).
- If not, in case the accused is considered to be in need of retraining, for political or security reasons, the committee will suggest the accused be placed in internment for a period not to exceed 2 years.

The formation of the accused's case is the mission of an organization appointed by the committee. But the mission to collect documents and to bring the case to court (civil or military) belongs to the civil security organization or the provincial public security service if the case is not military.

The investigation of matters concerning military security is still conducted by military organization and in case there is enough evidence for prosecution, military court still has right to act.

In deciding a case, if province Chief and military representative cannot agree the case will be submitted to the central committee for final decision.

The central committee includes the following:

- Representative of the Minister of Interior.
- Representative of Department of Defense.
- Representative of Prosecutor General.
- Director General of Public Security or his representative.
- Director General of Civil Guard or his representative.
- Inspector Guard of Self Defense or his representative.

The above principle was fixed before there was a distinction between civil and military provinces.

At civil provinces the civil guard has replaced the armed forces and naturally has taken over their mission on the security committee. But the committee still needs armed forces representative to exchange information and to obtain their cooperation in order to decide properly and to follow a common policy.

Common security is important to all and each organization must apply its knowledge toward this common mission so that real results may be achieved.

Therefore the security committee has special responsibilities: to gather evidence, to collect information, to investigate situations. An unique intelligent division helps local authorities with its mission to maintain public order and to confront all uncertainties.

I stress the necessity of close liaison and cooperation between the organizations of the security committee. Besides exchanging information daily, it is necessary to meet twice or more weekly to observe situations and study measures requiring prompt action.

COPIES TO:

NGUYEN HUU CHAU

- Vice President.
- Ministry of Justice.
- Department of Defense.
- Major General, Commander of Capital Military Region.
- Government representative offices.
- Civil Guard Directorate General.
- Public Security Directorate General.
- Center Inspection Directorate of Self Defense.

Signed: Chief Cabinet of Internal Security (Dao-Xuan-Dung)

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July 12, 1967

MEMORANDUM

Subject: Legal Study in Viet Nam

The processing and disposition of the cases of persons detained for suspected offenses against the security of the Republic of Viet Nam is seriously deficient and in urgent need of remedial action, in the opinion of Chief, FE and COS, Saigon. This opinion is shared by high U.S. military, State Department and Embassy officials.

Detainees are often released who should be held and tried, while others are held for long periods whose offense is minor or who were mistakenly arrested. In the one case a hard core Viet Cong may be set free; in the other a citizen may become seriously disaffected or even recruited by VC agents in the detention center or prison.

The freeing of the serious offender has obvious ill effects in his ability to continue his actions against the government; he is also not available for interrogation and possible reeducation or intelligence exploitation or recruitment. The slow and inefficient processing of other cases emphasizes in the public mind the image of government as autocratic and remote from the needs and welfare of the people.

Great difficulties are interposed to any expeditious or sweeping solution to the problem. The oriental environment and the political and legal heritage and framework of Viet Nam are severely limiting factors. Nevertheless, the matter is deemed of such importance that a thorough study should be made at once, a course of action decided on, and concrete remedial measures commenced. It is hoped that any necessary enactment of law can be accomplished by the promulgation of a decree-law before the present government goes out of office.

Individuals of different categories are picked up by military and police organizations, and are detained and processed variously. We are principally concerned here with "civil detainees" and with their screening and processing by

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the Province Security Committees, but all ramifications of the problem will be explored.

The subject falls under the general area of responsibility of Ambassador Komer. It has been decided that I will be overtly attached to his office and arrive as a representative of the White House, so as to have the proper auspices and mandate.

A great deal of necessary legal and background materials, consultations and briefings is available at Headquarters and at the Pentagon (Army JAG). I am now exploiting these sources and closing out my official and personal affairs so as to be able to stay in Viet Nam until the job is done.



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VC Plot On Air Base Westy HQ Thwarted

ARVN Troops Find Mortar Ready To Fire, Seize Ammo, 2 Suspects

SAIGON, Aug. 20 (AP)—South Vietnamese troops reported Sunday thwarting what may have been a Viet Cong plan to mortar Saigon's Tan Son Nhut Air Base or General William C. Westmoreland's new military headquarters at the airbase.

Security troops near the base reported finding late Saturday one mortar set up and ready to fire toward the base and 16 other mortar rounds. They also captured four grenades and seized two Viet Cong suspects.

The Vietnamese force went into action after American security guards at a motor pool near the airbase reported hearing automatic weapons fire and nine grenade explosions in the vicinity.

Earlier this month, General Westmoreland moved the headquarters of his Military Assistance Command (MACV) from downtown Saigon to a new compound in the Tan Son Nhut Air Base-area.

Officers have said they expected the Viet Cong to attempt a mortar attack on the sprawling new building, dubbed «Pentagon East.» The base has been attacked in the past.

20 Civilians Kidnaped By VC; Blasts Hurt 8

DANANG, Vietnam, Aug. 20 (AP).—Twenty Vietnamese civilians were kidnaped by Viet Cong guerrillas in two incidents in Thua Thien province in the northern part of South Vietnam, a government spokesman reported.

The spokesman also reported that eight civilians were wounded in two road-mining incidents in northernmost Quang Tri province.

In the abduction, the spokesman said, 14 civilians were kidnaped late Friday from a hamlet to be given «political indoctrination.»

The other six, mostly elderly people, were kidnaped Saturday from a village just south of the U.S. Marine base at Phu Bai near Hue. The spokesman said he did not know the reason for the abductions of the villagers who ranged in age from 49 to 71.

In the road-mining incident, five civilians were wounded when a truck hit a mine 2 miles (3.2km) southeast of Quang Tri City, the provincial capital. The other were injured when a bus hit a mine one mile (1.6km) northwest of the same city.

The government spokesman also reported that a South Vietnamese Army post near Quang Tri was hit by 60 rounds of mortar fire early Sunday. He said casualties to government troops were light.

Prediction Came True

NEW YORK, Aug. 20 (AP).—«Before you know it,» Private First Class Angelo Rapis Jr. wrote his parents from Vietnam, «you'll be picking me up at the airport.»

The letter was received Thursday—three days after a telegram had come to the soldier's parents' home in New York notifying them of his death.

Angelo's father was waiting for his son's body Saturday and charging in an interview that he never should have been placed in an infantry unit because of a long history of medical problems with his feet.

They don't go for the still atmosphere.

One of Lt. Walden's best teams consisted of Sp/4 Sidney (Frenchy) Billiot from down-delta Louisiana; a pair of draftee buddies, Sergeants Jon Brinkley and Don Reinhardt, and a now-departed Negro trooper, fondly known as "Baby-cakes." Some time ago, on a mission west of Pleiku, a nervous door gunner in the helicopter which was carrying the team into a landing zone pushed Billiot out when the craft was still 25 feet off the ground. With Billiot down and under fire, his teammates had no choice but to join him. But as Brinkley leaped, he grabbed the gunner by the neck and took him along. For the next five days, Reinhardt recalls gleefully, "We ran and fought, and we pushed that sorry bastard's tail the whole way." When the patrol finally returned to its base, the hapless gunner got a reprimand, and the four scouts were awarded Bronze Stars.

Such derring-do pays off. Since March 1966, according to the latest count, the First Reconnaissance Battalion alone has ticked off 1,100 patrols and, at a cost of 44 Marine dead, has accounted for 1,350 confirmed enemy dead and 2,650 probable kills. "What we are trying to do," says the Army's Lieutenant Walden, "is something the enemy has been doing to us for a long time: deny your opponent freedom of movement. If Charlie can move at will, he has a tremendous advantage. But if we can let him know that wherever he is—in base camp, on a high-speed trail or out in the boonies—he's in danger, too, then we've neutralized his advantage."

Death of an Image

All week long, Saigon resounded with bitter outcries. "Thieu and Ky want to sabotage the elections," thundered one of the eleven civilian candidates for the Presidency of South Vietnam. "Even [the late President] Diem was a better dictator than Thieu and Ky," another candidate chimed in. And from Washington came a loud supporting chorus. First, a group of 57 Democratic members of the House of Representatives urged President Johnson to warn Saigon's military junta that unless it took steps to insure the freedom of next month's Presidential election in Vietnam, the U.S. might "undertake a serious reappraisal of its policies." And the next day, in a bipartisan display of indignation, New York Senators Jacob Javits and Robert Kennedy joined the assault. "If free elections are not possible," said Javits, "we have every right . . . to begin to consider phasing out our commitment in Vietnam."

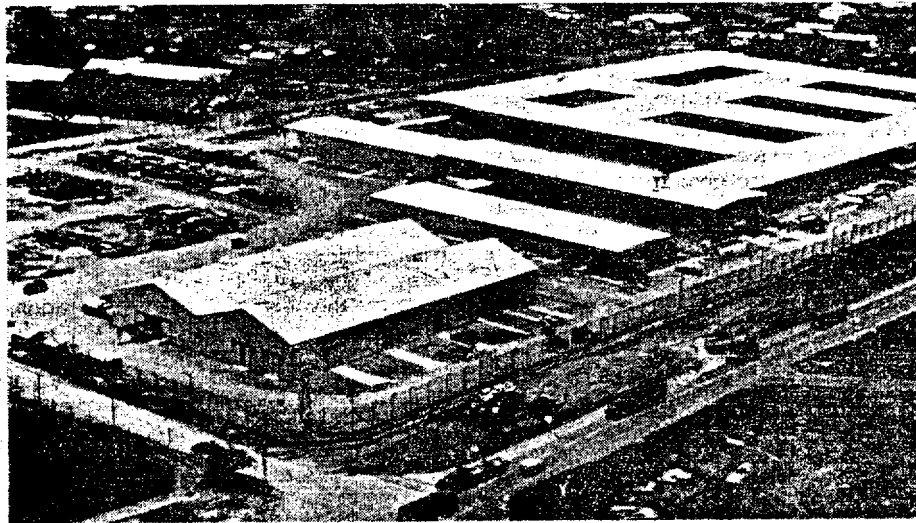
This was strong talk—and not totally without justification. For there seemed scant doubt that South Vietnamese Chief of State Nguyen Van Thieu, the military candidate for the Presidency, and his running mate, Premier Nguyen Cao Ky, were using their control of the machinery of government to sabotage the elections.

chances of election. Thus, the off-Vietnamese Information Service was reportedly conducting a quiet campaign on the village level designed to convince the peasants that the present regime should stay in office. And late last week, Tran Van Huong, the most respected of the civilian candidates for the Presidency, charged that police in the Mekong Delta were seeking to intimidate his campaign workers.

Confusion: The most clamorous charge against Thieu and Ky, however, stemmed from the monumental misfortunes that had befallen the civilian candidates during their first attempt at a campaign swing. Well before dawn one morning last week, eighteen aspirants for the Presidency and Vice-Presidency assembled for a joint flight to the provincial capital of Quang Tri only to discover that their campaign committee had neglected to lay on ground transportation to the Saigon airport. After an hour of confusion, the Vietnamese reporters as-

The next day, they publicly denounced the government for "the outrageous acts" they had endured. And when Ky in a press conference brushed off their complaints ("Who can expect to travel first-class in this war-torn country?"), the candidates' outrage knew no bounds. Eight of them promptly announced that they would boycott the campaign unless the government promised that there would be no more such incidents. Simultaneously, the rumor spread that all the civilian candidates might line up behind Tran Van Huong. (It turned out that the rumor came from Huong himself.)

Only a day later, the boycotters announced they would return to the campaign trail, but would back out again if the government did not smooth their way. Honor presumably had been served, but grave damage had already been done to the hope that Saigon's next Cabinet could convincingly claim to represent the South Vietnamese people.



Saigon's 'Pentagon East' Vulnerable to mortars—and 22

signed to cover the campaign managed to get the candidates to the airport and aboard a waiting Vietnamese Air Force C-47. Then began a hair-raising flight north through towering monsoon clouds—a phenomenon which many of the retching candidates seemed inclined to blame on the government. "Probably the authorities had the intention, if not actually to kill us, to make us so physically exhausted that we could not talk to the voters," mused one of the candidates.

But the worst was yet to come. Because Quang Tri's primitive airstrip is not suitable for C-47s, the candidates' plane landed instead at the U.S. Marine base of Dong Ha, 10 Viet Cong-controlled miles to the north. And for transportation to Quang Tri, Dong Ha could offer nothing better than a fleet of mud-caked trucks, promptly labeled "garbage trucks" by the politicians. Finally, writing off the thousand or so voters awaiting them at Quang Tri, the angry candidates turned

Stationary Target

Early this month Gen. William C. Westmoreland and the 2,000-man staff of the U.S. military command in Vietnam started moving into a brand-new, 575-room headquarters on the outskirts of Saigon. Westmoreland called the new headquarters (which cost \$25 million to build) a "tremendous improvement" over previous arrangements which had his staff scattered all over town. But some critics felt that putting everybody under one roof violated the old military maxim: "Don't bunch up." They also argued that, despite its 11-foot fence, guard towers and sandbagged bunkers, "Pentagon East" would be vulnerable to mortar or rocket attacks of the kind the Viet Cong have repeatedly mounted against Tan Son Nhut airport just across the road. "These walls wouldn't stop a .22 bullet," one officer griped. As for the GI's, they have already nicknamed the quarters "The Bull's-eye."

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19 April 1967

25X1 MEMORANDUM FOR: [REDACTED]

SUBJECT: SOC #13, Requirement #5

25X1 REFERENCE: [REDACTED] Memo To CIA/Legislative Counsel,
"Consideration of a Lecture on The Legal
Aspects of Internal Security," dated 21
March 1967.

1. In a teleconference, 17 April 1967, with the Legislative Counsel, with respect to referent memorandum, it was learned that Mr. Lawrence R. Houston, General Counsel, was agreeable to accepting the request for a speaker as indicated. For your information, Mr. Houston was quoted as being very interested in providing this lecture for the Career Trainees as he recognized the importance of their understanding the legal aspects of internal security and the role of the agency in providing professional assistance where needed.

2. In the temporary absence of Mr. Houston, it is suggested that the Office of the Director of Training negotiate the specific arrangements with the General Counsel and extend a formal invitation to address the Special Operations Course No. 13.

25X1 [REDACTED] crb (19 April 1967)

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